IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11122 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GANESH DURGAPRASAD KACHAR

Versus

STATE OF GUJARAT

Appearance:

MS SUBHADRA G PATEL for Petitioner

GOVERNMENT PLEADER for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/02/2001

ORAL JUDGEMENT

Both the learned counsel for the parties are in agreement that the matter is squarely covered by the decision of this Court in the case of Kalidas C. Kahar vs. State of Gujarat & Ors. reported in 1993 (2) GLR 1659 on the point of verification of the statements of the witness

and the date of detention order.

In the result, this petition succeeds and the same is allowed. The order of detention of the petitioner dated 9-9-2000 is quashed and set aside. The petitioner Ganesh Durgaprasad Kachar, the detenu, at present in Porbandar Special Jail, Porbandar be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. No order as to costs.

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